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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,304	09/17/1999	STEPHEN CLIFFORD GOSS	CASE-4	2132

7590 02/20/2002

DOCKET ADMINISTRATOR RM 3C 512
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EXAMINER
LEE, JOHN J

ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 02/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/399,304	GOSS, STEPHEN CLIFFORD	
	Examiner	Art Unit	
	John J Lee	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-28 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 02 July 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claims 1, 9, 12-13, 15-17, 23-24, and 27-28 are objected to because of the following informalities: it is suggested that spelling of the word "communications channel/channels" should be changed to "communication channel/channels". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-12, 14-17, 20, and 23-28** rejected under 35 U.S.C. 102(e) as being anticipated by Zellner (US Patent number 6026289).

Regarding **claim 1**, Zellner discloses that a method for use in a wireless network, said wireless network comprising a plurality of base stations, each serving a plurality of users via a plurality of communication channels, said method comprising the steps of:

transmitting an alert message (cell controller instructing the remote user) from a set of said base stations, to a plurality of users, said alert message including the identity of one of said plurality of communications channels (a sharing channel for user can tune and listen) (Fig. 1, 2, column 3, lines 11 – column 5, lines 35, and column 1, lines 50 – column 2, lines 43); and

transmitting a broadcast message (broadcast information service) from said set of base stations to said plurality of users on said one of said plurality of communications channels (Fig. 1, 2, column 3, lines 11 – column 4, lines 59, abstract, and column 1, lines 50 – column 2, lines 43).

Regarding **claim 2**, Zellner discloses that the wireless network also includes a control channel, wherein said step of transmitting said alert message comprises transmitting said alert message on said control channel (Fig. 1, 2, column 3, lines 11 – column 5, lines 35, and column 1, lines 50 – column 2, lines 43).

Regarding **claim 3**, Zellner discloses that the step of transmitting an alert message further comprises the step of transmitting a permission parameter as a

part of said alert message (Fig. 1, 2, column 3, lines 60 – column 5, lines 42, abstract, and column 1, lines 50 – column 2, lines 43).

Regarding **claim 4**, Zellner discloses that the step of transmitting said alert message further comprises repeatedly transmitting an alert message on a periodic basis while said broadcast message is transmitted (Fig. 1, 2, column 3, lines 60 – column 5, lines 42, abstract, and column 1, lines 50 – column 2, lines 43).

Regarding **claim 5**, Zellner discloses that the set of base stations complete transmission of said broadcast message, said set of base stations sending a further alert message to inform the users that the channel will expire in a predetermined time (Fig. 1, 3 and column 3, lines 60 – column 5, lines 42).

Regarding **claim 6**, Zellner discloses that after expiration of said predetermined time, said set of said base stations ceasing to broadcast on said communications channel, and returning said channel for further use (Fig. 1, 3, column 3, lines 60 – column 5, lines 42, and column 1, lines 50 – column 2, lines 43).

Regarding **claim 7**, Zellner discloses that the one of said plurality of channels is selected from a reserved group of said plurality of channels (column 3, lines 60 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 8**, Zellner discloses that the one of said plurality of channels is selected from a list of idle ones of said plurality of channels (column 2, lines 57 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 9**, Zellner discloses all the limitation, as discussed in claim 1.

Regarding **claim 10**, Zellner discloses that each of said plurality of base stations selects one of said plurality of channels based on channel availability, wherein said channel may be different between each of said base stations (column 3, lines 60 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 11**, Zellner discloses that the broadcast message originates at an information source remote from said base stations (Fig. 1, 2, column 3, lines 11 – column 4, lines 59, abstract, and column 1, lines 50 – column 2, lines 43).

Regarding **claim 12**, Zellner discloses all the limitation, as discussed in claim 1. Furthermore, Zellner further discloses that means for receiving a first alerting message indicating that a broadcast message is imminent (cell controller instructing the remote user and than the controller transmits the broadcast massage with voice channel), and indicating the communication channel of said broadcast message (Fig. 1, 2, column 3, lines 11 – column 5, lines 35, and column 1, lines 50 – column 2, lines 43);

means for alerting (by the cell controller instructing with voice) a user of said wireless unit that said broadcast message is imminent (column 3, lines 11 – column 5, lines 35 and column 1, lines 50 – column 2, lines 43); and

means for setting up said wireless unit for receiving said communications channel (column 3, lines 60 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 14**, Zellner discloses that for selecting whether to receive said broadcast message (column 3, lines 60 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 15**, Zellner discloses that wireless unit uses CDMA protocol, wherein each of said communications channels is extracted using a corresponding one of a plurality of Walsh functions (column 2, lines 57 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 16**, Zellner discloses that the wireless unit uses an analog air interface protocol, wherein each of said communications channels is extracted using an FM receiver tuned to a corresponding frequency (column 2, lines 57 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 17**, Zellner discloses that the wireless unit uses a TDMA protocol, wherein each of said communications channels is extracted using a receiver tuned to a corresponding frequency and selecting appropriate time slots of a received TDM data stream (column 2, lines 57 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 20**, Zellner discloses that the wireless unit includes a keypad, wherein said user means for selecting comprises entering one or more

digits on said keypad (column 2, lines 57 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 23**, Zellner discloses that the communications channels each comprises a forward link and a reverse link, said wireless unit includes means for blocking automatically said reverse link of said communications channel for the duration of said broadcast message (Fig. 1, 3, column 3, lines 60 – column 5, lines 42, and column 1, lines 50 – column 2, lines 48).

Regarding **claim 24**, Zellner discloses all the limitation, as discussed in claims 1 and 12.

Regarding **claim 25**, Zellner discloses all the limitation, as discussed in claims 1 and 2.

Regarding **claim 26**, Zellner discloses all the limitation, as discussed in claims 1 and 5.

Regarding **claim 27**, Zellner discloses all the limitation, as discussed in claims 1 and 12. Furthermore, Zellner further discloses users may request to receive a broadcast message (Fig. 1, column 3, lines 60 – column 5, lines 42, and column 1, lines 50 – column 2, lines 48);

receiving a call placed by one of said plurality of users in accord with said dialing instruction (column 3, lines 60 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 28**, Zellner discloses all the limitation, as discussed in claims 12 and 23.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 13, 18-19, and 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellner in view of Dorenbosch (US Patent number 5959546).

Regarding **claim 13**, Zellner discloses that for storing a current state of said wireless unit before setting up said wireless unit for receiving said communications channel (column 2, lines 57 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Zellner does not specifically disclose the limitation "receiving a second alerting message indicating that said broadcast message is over and for automatically restoring said wireless unit to said stored state upon receipt of said second alerting message". However, Dorenbosch discloses "receiving a second alerting message indicating that said broadcast message is over and for automatically restoring said wireless unit to said stored state upon receipt of said second alerting message" (column 4, lines 21 – column 6, lines 5 and Fig. 4, 5). It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to provide the teaching of Dorenbosch to Zellner. The

motivation relied upon base stations transmit a broadcast channel for mobile devices can share and tune to the channel for receiving enhancing broadcasting service and providing conserving channel resource.

Regarding **claims 18 and 19**, Zellner does not specifically disclose the limitation "alerting comprises a user-audible signal and a user-visible signal". However, Dorenbosch discloses "alerting comprises a user-audible signal and a user-visible signal" (column 4, lines 21 – column 6, lines 5 and Fig. 4, 5). It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to provide the teaching of Dorenbosch to Zellner. Propose the motivation to provide efficient mobile notification service for users in mobile communication system.

Regarding **claim 21**, Zellner does not specifically disclose the limitation "selecting comprises a button separate from said keypad". However, Dorenbosch discloses "selecting comprises a button separate from said keypad" (column 5, lines 12 – column 6, lines 5 and Fig. 5). It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to provide the teaching of Dorenbosch to Zellner. Propose the motivation to provide convenient using mobile control device for performing efficient control in mobile communication device.

Regarding **claim 22**, Zellner and Dorenbosch disclose the all the limitation, as discussed in claim 19.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chander (US Patent number 5909651) discloses Broadcast Short Message Service Architecture.

Raes (US Patent number 5625886) discloses Method for Forming Groups of Communication Terminals and Use of Same.

Any response to this action should be mailed to:

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached on **(703) 308-6739**. Any inquiry of a general nature or relating to the status of this

application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L
February 9, 2002

John J Lee

VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
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2/11/02